

DEWAN'S REPLY: Mr. Sivatanu Chettiyar, it is not quite clear either to the High Court or to the Government, what particular inconveniences traders suffer from in the matter of production of books; for, the party producing a book before the courts is always allowed to take it away on promising to produce it on the next occasion. So, there should be no genuine ground for complaint in that respect.

2. In regard to the grievances of creditors in insolvency cases, the High Court have as yet had no information on the subject. This is in fact the first occasion on which the Government have heard of the existence of any grievance. But in view of what you say, enquiries will be made.

3. The present system of recruiting Official Receivers is working well and it is not proposed at the present moment to make any change in the system.

29. Civil Justice.

MR. KANAKKU SIVATANU PILLAI SUBRAHMANYA PILLAI (Member, Kalkulam taluk, Group II) prayed for the transfer of one of the Munsiff's courts at Padmanabhapuram to Eraniel. Out of the 16,000 cases filed at Padmanabhapuram during the last five years, as many as 9,000 cases were from the *pakuthies* comprised in the old Eraniel taluk. The high pressure of work in the Padmanabhapuram courts also led to unconscionable delays. A comparative study of the pendency of cases in the Padmanabhapuram courts would disclose the fact that the root cause of the delay was the necessity which the parties coming from great distances were put to, to apply for adjournments. The temporary additional Munsiff's court at Padmanabhapuram recently abolished had to be revived sooner or later. The Munsiff's court proposed to be transferred to Eraniel could be given jurisdiction over the *pakuthies* of Colachel, Manavalakurichi, Kadiapattanam, Talakulam, Eraniel, etc. He said that Eraniel was an important place and within easy access from all the *pakuthies* of the old Eraniel taluk. The old taluk cutcherry building would provide adequate accommodation for the Munsiff's court, and the proposed transfer would add considerably to the convenience of the litigant public and prevent delays and accumulation of arrears to a certain extent. The simultaneous extension of the jurisdiction of the Village Panchayat and the Bench Magistrate's courts at Padmanabhapuram to cover the *pakuthies* of Kalkulam, Tuckalai, Tiruvitankod and Eraniel would slightly relieve the congestion in the Padmanabhapuram Munsiff's court, besides giving the honorary court adequate work. Such extension of territorial jurisdiction had been advocated by several presidents of Village Panchayat Courts. The criminal jurisdiction over those *pakuthies* should appropriately be vested in a court at Padmanabhapuram rather than in the Second Class Magistrate at Eraniel.

The Member complained about the inordinate delay in the grant of copies of records in the Munsiff's courts at Padmanabhapuram. The hardship entailed was felt most keenly by clients coming from distant *pakuthies*. A temporary staff might be entertained if the delay was due to the insufficiency of the existing staff. The Laws Delays Committee, whose appointment was adumbrated in the Dewan's opening address, should provide a solution.

The Member pointed out that certain discretionary powers were vested in the civil courts to issue notices to judgment-debtors under Section 241 of the old *Civil Procedure Code* and Article 246 of the *Civil Courts' Guide*. Such notices were invariably issued only in respect of Government servants. This should be extended to cover the case of respectable non-officials holding honorary appointments under the Government. It often happened that unscrupulous judgment-creditors managed by misrepresentation to obtain warrants for arrest of debtors out of mere spite.

The Member stated that a number of *ex parte* decisions were passed by the courts in haste and owing to the vagaries of process-servers in serving summonses. The demand of security by the courts when *ex parte* decisions were sought to be set aside operated as a real hardship. Notices should be invariably issued to judgment-debtors in every case of *ex parte* decisions before warrants were ordered for their

arrest and the demand of securities should not be insisted on when the decisions were sought to be set aside.

The pay of Stationary Magistrates should be raised with due regard to the nature and variety of their work and the prestige they should command. Their pay now compared very unfavourably with that of police officers; and they should be placed above temptation and their discontent removed.

DEWAN'S REPLY : Mr. Subrahmanya Pillai, in regard to the first point in your representation, *viz.*, the removal of one of the two Munsiffs' courts from Tuckalai to Eraniel, the views you have expressed will be communicated to the High Court for their consideration and report to the Government.

2. Regarding the extension of the jurisdiction of the Padmanabhapuram Village Panchayat and Bench Magistrate's courts, it may be possible to extend the jurisdiction to the *pakuthies* of Kalkulam and Tuckalai, but the matter will have to be further examined.

3. As for the appointment of a special staff to clear off arrears, as a matter of fact this is being done at present whenever found absolutely necessary.

4. As regards your proposals to amend Section 241 of the old *Civil Procedure Code*, and Article 246 of the *Civil Courts' Guide*, the High Court do not consider that any amendments are necessary and the Government accept that view.

5. Similarly, I do not think that the law in regard to *ex parte* decrees calls for amendment at present. That too is the view taken by the High Court.

6. The subject of the pay of the Stationary Magistrates is a question which goes far beyond the Kalkulam taluk; and if and when occasion arises for the consideration of the revision of salaries in general, Government will consider that point also.

30. Munsiffs' Courts in South Travancore.

MR. P. M. RAMAN PILLAI (*Member, Municipal Council, Kuzhittura*) represented the need for revising the territorial jurisdiction of civil courts in South Travancore. 430 civil cases were pending in the principal and 634 in the additional Munsiffs' courts at Nagercoil for disposal at the beginning of Chingam 1101. 700 cases being the standard fixed by the High Court, there would not be adequate work for two Munsiffs at Nagercoil, and the appointment of a temporary Munsiff for one year would bring down the arrears. The jurisdiction cannot conveniently be increased, but some reduction could be made by transferring the Alur *pakuthi* in the Kalkulam taluk to the Padmanabhapuram court.

The people of Nattalam *pakuthi* had to go to Padmanabhapuram, nine miles distant, for their civil cases, though the *pakuthi* formed part of the Vilavankod taluk, lay just on the outskirts of the Kuzhittura Municipal town and was only two miles distant from the Kuzhittura Munsiff's court. The *pakuthies* of Killiyur, Midalam, Kizhmidalam and Kizhkulam, also forming part of the Vilavankod taluk and situated within distances of 4, 4, 5 and $5\frac{1}{2}$ miles respectively from the Kuzhittura Munsiff's court were included within the jurisdiction of the Padmanabhapuram court which was 10, 10, $9\frac{1}{2}$ and 9 miles respectively from them. It was anomalous that the people of these four *pakuthies* were obliged to go to Kuzhittura for their revenue cases, to Eraniel for their criminal cases and to Padmanabhapuram for their civil cases. Nattalam and Killiyur were formerly within the jurisdiction of the Kuzhittura Court. The people of the five *pakuthies* of Nattalam, Killiyur, Midalam, Kizhmidalam and Kizhkulam had been memorialising the Government for the transfer of their civil jurisdiction to Kuzhittura, but without any avail. Kuzhittura which had only a pending file of 641 cases at the end of 1100 would not be seriously overburdened by this transfer, and the change proposed would afford relief to the Padmanabhapuram court, which had a heavier pending file of 1383 cases at the end of 1100 even though a temporary additional court had been working there for about four years.

The fact that, in spite of the temporary courts working for the last few years, Neyyattinkara and Trivandrum Munsiffs' courts had pending files of 1349 cases and 1324 cases respectively at the end of 1100, would show that, as at Padmanabhapuram,